

**County of Sussex
Department of Health & Human Services
Division of Health**

2004

Environmental Health Assessment and Improvement Plan

I. Purpose:

To establish environmental health performance standards for the control of air pollution, solid waste, noise, hazardous substances, and water pollution; and to assess environmental problems and issues at regular intervals so that future plan amendments can effectively work towards improving the environmental quality of the County of Sussex.

II. Authority:

The Sussex County Division of Health (SCDOH) was created by Freeholder Resolution to provide Public Health and Environmental Health Services to contracting municipalities.

N.J.S.A. 26:3A2-21. The County Environmental Health Act (CEHA) gives the SCDOH power and authority to enforce applicable Environmental Statutes and Administrative Codes. The New Jersey Department of Environmental Protection has delegated the Sussex County Division of Health as the certified local health agency for the County of Sussex (Lead Agency).

N.J.A.C. 7:1H. County Environmental Health Standards of Administrative Procedure and Performance are regulations authorizing and requiring the Sussex County Division of Health to take action in specific areas of environmental health.

III. Duties and Powers:

The Sussex County Division of Health (SCDOH) shall investigate citizen complaints and provide public information and citizen education services in all matters concerning environmental health. The SCDOH shall monitor the various State statutes, rules and regulations concerning environmental health; shall report any violations of said statutes, rules and regulations to the NJDEP for enforcement; shall gather evidence of said violations as required; and shall provide witnesses for any resultant court action as needed. The SCDOH may maintain an action in a court of competent jurisdiction against any other person to enforce, or to restrain the violation of, any statute, regulation or ordinance which is designed to prevent or minimize pollution, impairment or destruction of the environment as provided in the Environmental Rights Act, N.J.S.A. 2A:35A-1 et-seq.

The Sussex County Division of Health shall work to develop and operate a technical resource center for environmental health services to provide training programs, laboratory services, technical assistance, library services, data collection and exchange.

The Sussex County Division of Health shall establish and/or revise a schedule of service fees in accordance with N.J.S.A. 26:3A2-34. Any service fees shall be authorized by Freeholder Resolution, and shall cover the estimated cost for providing a specified service. Any fees collected by the SCDOH shall be deposited into the Sussex County Environmental Quality Enforcement Fund (E.Q.E.F.).

The Sussex County Division of Health, as the lead agency for the County of Sussex, shall coordinate and oversee the programs of the Sub-contracting Agencies to ensure compliance with all applicable regulations, to ensure uniform enforcement through out the County of Sussex, and to prevent any duplication of effort.

IV. Environmental Goals:

The Sussex County Division of Health goal is to work with the New Jersey Department of Environmental Protection (NJDEP) in their mission to assist the residents of New Jersey (specifically Sussex County). The mission of the NJDEP focuses on the preserving, restoring, sustaining, protecting and enhancing the environment to ensure the integration of high environmental quality, public health and economic vitality. The NJDEP Strategic goals are listed below.

A: Clean Air

The air in the County of Sussex will be healthful to breathe, and air pollutants will not damage our forests, land and water bodies.

Potential Indicators:

Identify Point Sources –create list, # of existing and new permits
(Major sources, minor sources, b sources, etc.)
Complaints - # of initial and repeat, # by type and location
(Odor, open burning, visual emissions, etc.)
Violation Notices - # issued, compliance rate

B: Clean and Plentiful Water

Sussex County rivers and lakes will be fishable, swimmable and support ecosystems. Surface and ground water will be clean sources of water. Every person in the County of Sussex will have safe drinking water. Goal is a SCDOH **primary** concern as all county residents obtain their drinking water from either a ground or surface water supply within the county.

Potential Indicators:

Identify Point Sources – master list NJPDES, # of existing and new permits
Identify Recreational Bathing Areas – master list, # of closings
Identify Non-point Sources – stream walks, SDS malfunctions, fish kills
Identify Water Systems – master list PWSID, # of existing and new systems
Identify Contaminated Wells- # by type and location, # returned potable
Identify Abandoned Wells - # sealed
Complaints - # by type and location, # of initial and repeat
Violation Notices - # issued, compliance rate

C: Safe and Healthy Communities

The County of Sussex will be free from unacceptable human health and ecological risks due to direct exposure from hazardous substances and other potentially harmful agents.

Potential Indicators:

- Right To Know - # of reporting facilities, type of substances, # of releases
- Transportation Routes – # of accidents, type of substances involved
- Haz-mat Incidents - # of spills, type of substances involved, # of clean ups
- Bio-terrorism - # of threats, type of substance involved, # resolved
- Identify Contaminated Sites – master list, # of clean ups
- Complaints - # by type and location, outcomes

D: Healthy Ecosystems

The health, diversity and integrity of Sussex County's ecosystems will be restored, protected, enhanced and sustained.

Potential Indicators:

- Wetlands - # of mapped acres, # of LOI required, # of referred complaints
- Species Diversity – birds, aquatic insects (state or environmental group data)

The SCDOH has limited responsibility as well as data for this goal. Above indicators are examples to show a healthy ecosystem. The SCDOH may not directly perform work and shall rely on other agencies for assistance in acquiring data.

E: Abundant Open Space

Natural and scenic landscapes, habitats and historic resources will be preserved. Every person will have the opportunity to visit an abundance of well-maintained parks, forests, wildlife areas, and historic sites. The public will be given ample opportunity to learn about natural and historic resources and to have access to a wide variety of recreational experiences.

Potential Indicators:

- Green Acres Program - # of site reviews
- Public Lands - # of acres (State, county, local)
- Farmland Preservation - # of acres (County Planning Dept.)
- Historic Sites - # by type and location (County Historical Society)

The SCDOH has limited responsibility as well as data for this goal. Above indicators are examples to show the abundance of open space. The SCDOH may not directly perform work and shall rely on other agencies for assistance in acquiring data.

F: Open and Effective Government

The Sussex County Division of Health will fulfill its vision and mission and achieve its goals through the involvement of citizens and stakeholders as critical partners and through a commitment to quality principles and methods as a means to continuous improvement of its operations.

Potential Indicators:

- Freedom of Information - # of requests, assistance provided
- Regular Town/Special Meetings - # attended & topic
- Education and Training Seminars - # offered by topic, # of attendance by public
- World Wide Web – development of web-page, # of hits by public

V. Program Elements:

A: Air Pollution Control Program

Program will focus on the Environmental Goal for clean air within Sussex County.

1). Detailed description

The SCDOH shall conduct an air pollution control program in accordance with N.J.A.C. 7:1H-3.1.

The SCDOH shall take enforcement actions by issuing Notice of Violations (NOV) and/or Notice of Violation/Offer of Settlement (NOVOS) and by assessing Penalties against violators in accordance with N.J.A.C. 7:27-1 et seq. and N.J.A.C. 7:27A-1 et seq. and the DEP Grace Period Policy.

2). Responsibility delineation

The SCDOH, as certified local health agency (Lead Agency), is responsible for compliance with this program for all of Sussex County. The SCDOH recognizes that other municipal health agencies exist within Sussex County. The SCDOH may enter a Sub-contractor Agreement with these agencies to provide an air pollution control program in their respective communities provided they meet the requirements listed in an Inter-Local Agency Agreement.

3). Personnel and qualifications

The SCDOH has trained nine (9) staff in the use of the computer air-modeling program ALOHA. The SCDOH is investigating the possibility to hold a local training session for additional staff and other local emergency management officials (see Technical Resource Center below).

The SCDOH has one (1) staff trained and certified for visible emission investigations. The SCDOH intends to train an additional staff for visible emissions. The SCDOH has four (4) staff trained for odor enforcement. The SCDOH shall train additional staff for odor enforcement when possible and if required. The SCDOH has four (4) staff trained in the inspection of Vapor Recovery Systems (Stage I, Stage II & B sources).

4). Available resources and needs

Personnel: The SCDOH currently has adequate staffing to perform an Air Pollution Control Program.

Vehicles: The SCDOH maintains a fleet of vehicles, so all field personnel have access to a vehicle. The SCDOH shall budget and attempt to replace vehicles older than ten years on an annual basis or one vehicle per year. Vehicles shall be specified based on duties to be performed.

Computers: The SCDOH has eleven (11) laptop computers, some with portable printers for use by field personnel. The SCDOH has five (5) desktop computers for use by support/clerical staff. The SCDOH has two (2) desktop computers permanently mounted in emergency response vehicles. The SCDOH intends to purchase laptop computers for all field personnel. **Note: Computer goal achieved.**

Specialized Software: The SCDOH has software with the air-modeling program ALOHA installed in thirteen (13) computers (1 desk, 10 laptop, 2 ER vehicle). In the event of a major air release emergency, which threatens public health and safety, this program can aid in determination of down-wind plumes. This

information will help to determine if evacuation is necessary and possible, or if sheltering in place is acceptable.

Photographic Equipment: The SCDOH has ten (10) digital cameras for use in documentation of violations. The SCDOH has one (1) specialized camera with a photo printer. The specialized camera is an all-weather surveillance camera with motion sensors to capture illegal dumpers of solid waste.

The SCDOH has purchased additional digital cameras to improve documentation of evidence and to reduce costs for film developing. The SCDOH has purchased a hand held portable video camera recorder to aid in video documentation of violations.

- 5). Program implementation
The SCDOH shall attempt to complete additional staff training within six months for visible emissions. The SCDOH believes that it is currently implementing the air pollution control program.

B: Noise Control Program

Program shall fall within the "Safe and Health Communities" environmental goal.

- 1). Detailed description.
The SCDOH shall conduct a noise control program in accordance N.J.A.C. 7:1H-3.2.

The SCDOH shall take enforcement actions by issuing Notice of Violations (NOV) and/or Notice of Violation/Offer of Settlement (NOVOS) assessing Penalties against violators in accordance with N.J.A.C. 7:29-1.6 and the DEP guidance document "Guidelines to Conduct a Noise Control Program for CEHA Agencies" (October 1995).

- 2). Responsibility delineation.
The SCDOH, as certified local health agency, is responsible for compliance with this program. Non-contracting municipalities shall enforce noise complaints in accordance with local ordinance (if approved by the NJDEP in accordance with N.J.A.C. 7:29) or New Jersey Public Health Nuisance Code of 1953.

- 3). Personnel and qualifications.
The SCDOH has six (6) staff members that are noise certified pursuant to N.J.A.C. 7:29. The SCDOH shall train additional staff if necessary.

- 4). Available resources and needs.
Specialized Equipment:
The SCDOH currently has four working and calibrated noise meters. One Quest 2700 type II meter with OB-50 octave band filter and extension cable, two Quest 2400 type II meters, one Quest 215 Type II meter. Each meter has a Quest QC10 calibrator, calibration screwdriver, windscreen, and Dwyer wind gauge. Meters are factory serviced and calibrated on an annual basis as required by N.J.A.C. 7:29.

The SCDOH has two (2) tripods for use with noise meters. The SCDOH shall purchase additional tripods as needed.

The SCDOH shall obtain and maintain four (4) noise meters, one with octave band capabilities. Meters may be either type I or II.

- 5). Program implementation.
The SCDOH believes that it is currently implementing the noise control program.

C: Hazardous Substance Control Program

Program shall fall within the “Safe and Health Communities” goal.

- 1). Detailed description
The SCDOH shall conduct a hazardous substance control program in accordance with N.J.A.C. 7:1H-3.3.

The SCDOH shall submit to DEP any claims for reimbursement of expenses incurred for activity related to the removal of spills of hazardous substances, or the prevention or mitigation of damages arising from such spills, where allowed.

The SCDOH shall attempt to recover cost expended during emergency response activities pursuant to the Sussex County “Cost Recovery Ordinance”.

- 2). Responsibility delineation
The SCDOH, as certified local health agency, is responsible for compliance with this program.

- 3). Personnel and qualifications
The SCDOH has two (2) full-time staff trained to the NJSP technicians’ level. The SCDOH has four (4) fulltime staff trained to the USEPA technicians’ level. Assisting the SCDOH are five (5) full-time on-call staff trained to the NJSP technicians’ level and one (1) full-time on-call staff trained to the NJSP operations level from the SC Sheriff’s Office. Assisting the SCDOH are one (1) full-time staff trained to the NJSP technicians’ level and three (3) full-time on-call staff trained to the NJSP operations level from the SC Prosecutor’s Office. SCDOH is roster located in appendix.

The SCDOH shall attempt to train additional full-time staff to the NJSP 80 Hour technicians’ level. The SCDOH may create ten (10) paid on-call Hazardous Material Responder positions. The SCDOH goal is to achieve a minimum of twenty-five (25) staff to the technician level. All staff shall have the minimum training of Hazardous Materials On-scene Incident Command, 80 Hour NJSP Technicians, Weapons of Mass Destruction Operations, Fire Fighter I (recommended), Basic First Aid, CPR (other as required).

- 4). Available resources and needs
The SCDOH currently has the following:

Vehicles	(inventory of equipment in vehicles in appendix)
Operations Unit	1996 Dodge Ram Truck (SCDOH)
Technical Unit	1984 Chevy Ambulance (SCDOH)
Operation Unit	1984 GMC Light Rescue (Sheriff)
Decon/Equipment Trailer	2000 Cargo Trailer (SCDOH)
Monitoring Equipment	H-nu Photo Ionization Detector (PID) (3)
	MultiRae Multi-gas (CGI,H2S,O2,CO,PID)
	MSA Orion Multi-gas (4)(CGI,CO,H2S,O2)
	NJSP-OEM Ludlum White Kit (radioactive)
	NJSP CD Radiation Kits (3)
	Davis Weather Station in Command Unit
	Sensdyne HAZCAT kit (must restock)

	Drager HAZKAT kit
	Drager CDS Kit (Blood & Nerve Agents)
	M256A1 Chemical Detection Kit
	C2 Chemical Detection Kit
Self Contained Breathing App.	10 MSA4500 w/60 bot., 13 spare 60 bot.
	APR adapters for MSA Masks w/filters
	Cascade System in Light Rescue
Personal Protective Equipment	boots, gloves, coveralls, hard hats (level B)
	Kappler Responder Plus (level A) (6)
Haz-mat References	NAERG 2000, NFPA ER manual, NFPA
	Haz-mat manual, Kaplar smart-suit,
	Cameo, Aloha, Marplot, CHEMpendium.
Spill Containment Supplies	Absorbent booms, pads, loose, dry etc.
	Pop up pools, drain mat, overpaks,
Decon Supplies	hose, pools, tarps, shower, lights, fans,
	Wands, stools, brushes, buckets,
Communications	4 Intrinsically safe portable radios
The SCDOH needs the following:	(other if recommended by DEP)
Vehicles	Medium Duty Rescue Truck
	Light Rescue w/Tow Hitch - Note:
	(2004 Ford Excursion on order)
Monitoring Equipment	Other DEP recommended meters
	Restock Haz Kat kit / Sensdyne
	Detector tubes-Drager kit
Personal Protective Equipment	Level A flash suits, Structural FF gear
References	HazMat Transportation, Merck Index
Spill Containment/Decon Supply	Supplement above. Mass Decon Eqpt.
Communications	4 Intrinsically Safe portable radios
	Vehicle Radios

- 5). Program implementation
The SCDOH shall attempt to achieve staffing goal (25 technicians on call) within twenty-four (24) months. The SCDOH shall attempt to achieve equipment goals within twelve (12) months.

D: Solid Waste Control Program

Program shall fall within the “Safe and Health Communities” goal as well as the “Clean and Plentiful Water” goal.

- 1). Detailed description
The SCDOH shall conduct a solid waste control program in accordance with N.J.A.C. 7:1H-3.4.
- 2). Responsibility delineation
The SCDOH, as certified local health agency, is responsible for compliance with this program.
- 3). Personnel and qualifications
The SCDOH has two (2) staff trained for inspection of sanitary landfills and investigate transportation violations. The SCDOH has four (4) staff trained to inspect other solid waste facilities and to investigate illegal dumping of solid waste.

- 4). Available resources and needs
The SCDOH believes it will have adequate resources (I.E. computers, cameras, vehicles, etc.) from other programs to supplement this program.
- 5). Program implementation
The SCDOH believes that it is currently implementing the solid waste control program.

E: Public Health Laboratory Services

Program will fall within the “Open and Effective Government” goal and the “Clean and Plentiful Water” goal.

- 1). Detailed description
The SCDOH shall assure that contract laboratory services for the analysis of potable water hold a laboratory certification issued by the NJDEP pursuant to N.J.A.C. 7:10-8.1.

The SCDOH shall assure that contract laboratory services for the analysis of wastewater, sludge and any other ground or surface water have interim approval from the NJDEP until such time as the NJDEP shall require certification for these services.
- 2). Responsibility delineation
The SCDOH is responsible for compliance with this program for contracting municipalities. Local health agencies shall contract with their own laboratory.
- 3). Personnel and qualifications
The SCDOH has presently contracted according to bid process with QC Laboratories for Public Health Laboratory Services.
- 4). Available resources and needs
The SCDOH believes it has adequate resources (I.E. computers, vehicles, etc.) from other programs to supplement this program.

The SCDOH shall acquire necessary sampling containers from the certified contract laboratory.
- 5). Program implementation
The SCDOH shall contract with a certified laboratory bi-annually to analyze potable, surface, ground and wastewater samples.

F: Potable Water Supply Control Program

Program shall fall within the “Clean and Plentiful Water” goal.

- 1). Detailed description
The SCDOH shall conduct a potable water supply control program in accordance with N.J.A.C. 7:1H-3.6.

The SCDOH shall take appropriate enforcement action under the Environmental Rights Act, N.J.S.A. 2A:35A-1 et seq., where violations of applicable statutes or regulations are discovered.

- 2). Responsibility delineation
The SCDOH, as certified local health agency (Lead Agency), is responsible for compliance with this program for all of Sussex County. The SCDOH recognizes that other municipal health agencies exist within Sussex County. These SCDOH may enter into a Sub-contractor Agreement with these agencies to provide a potable water supply control program in their respective communities provided they meet the requirements in an Inter-Local Agency Agreement.
- 3). Personnel and qualifications
The SCDOH has two staff that have completed DEP training Environmental Measurement and Site Assessment. The SCDOH shall send additional staff for training when classes become available.

The SCDOH shall train staff in the proper sampling techniques in accordance with the NJDEP Field Sampling Manual (1992).
- 4). Available resources and needs
With the implementation of the Private Well Testing Act, the SCDOH has determined that at least two (2) additional staffing will be required. The SCDOH has requested from the NJDEP OLEM additional funding to implement this program.
- 5). Program implementation
The SCDOH is attempting to implement this program with available resources and has budgeted for one additional staff.

G: Ground Water Pollution Control Program

Program shall fall within the “Clean and Plentiful Water” goal.

- 1). Detailed description

The SCDOH shall conduct a ground water pollution control program in accordance with N.J.A.C. 7:1H-3.7.
- 2). Responsibility delineation
The SCDOH is responsible for compliance with this program for contracting municipalities. Non-contracting municipalities shall contact their local health service provider.
- 3). Personnel and qualifications
The SCDOH has ten (10) staff trained to investigate ground water pollution complaints.
- 4). Available resources and needs
The SCDOH believes it has adequate resources (I.E. computers, cameras, vehicles, etc.) from other programs to supplement this program.
- 5). Program implementation
The SCDOH shall create and/or amend databases of possible pollution sources within twenty-four (24) months and on annual basis thereafter.

I: Surface Water Pollution Control Program

Program shall fall within the “Clean and Plentiful Water” goal.

- 1). Detailed description
The SCDOH shall conduct a surface water pollution control program in accordance with N.J.A.C. 7:1H-3.8.
- 2). Responsibility delineation
The SCDOH is responsible for compliance with this program for contracting municipalities. Non-contracting municipalities shall contact their local health service provider.
- 3). Personnel and qualifications
The SCDOH has ten (10) field staff which conduct investigations of surface water pollution complaints.
- 4). Available resources and needs
The SCDOH believes it has adequate resources (I.E. computers, cameras, vehicles, etc.) from other programs to supplement this program.
- 5). Program implementation
The SCDOH shall create and/or amend databases of possible pollution sources within twenty-four (24) months and on annual basis thereafter.

J. Geographic Information System Program

Program will affect all program areas. As data points are gained, resource and impact maps can be generated. Program ultimately falls within the “Open and Effective Government” goal.

- 1). Detailed description
The SCDOH shall assist the NJDEP in the development of a Geographic Information System through the collection of data pertaining to all subject areas for which authority is delegated.
- 2). Responsibility delineation
The SCDOH, as certified local health agency, is responsible for developing this program.
- 3). Personnel and qualifications
The SCDOH has two (2) staff trained in the use of GIS equipment.
- 4). Available resources and needs
The SCDOH has Global Positioning System (GPS) instruments for the collection of GIS data. The SCDOH has one (1) desktop computer with GIS software to compile GIS data.
- 5). Program implementation
The SCDOH is currently participating with the DEP in the development of the GIS program and has collected data with respect to the following:
 - Tire sites
 - PNC well head protection
 - Stream study sample sites
 - Watershed sample sites
 - Marina Compliance Inspection

The SCDOH shall attempt to incorporate the use of GPS instruments for various inspections to develop points for mapping projects of pollution sources (SDS, UST, point sources, etc.).

K. Technical Resource Center Program To Be Developed

Program shall fall within the “Open and Effective Government” goal.

- 1). Detailed description
The SCDOH shall work to develop a technical resource center for environmental health services. The program shall be developed to provide the following:
 - a). Training and education programs for public and private persons or groups concerned with environmental health.
 - b). Laboratory services for analyzing materials to determine compliance with environmental health standards.
 - c). Technical assistance.
 - d). Library services.
 - e). Data collection and exchange services, concerning the results of all monitoring and inspection activities within Sussex County.
- 2). Responsibility delineation
The SCDOH, as certified local health agency, may develop this program.
- 3). Personnel and qualifications
To be determined.
- 4). Available resources and needs
The SCDOH is currently exploring a partnership with the Sussex County Fire Academy for training programs. The SCDOH and the SCFA have already completed training programs for the following:
 - a). HAZ-MAT/OSHA (Awareness, Operations, Annual Refresher)
 - b). Community Right To Know (Initial and Refresher)
 - c). Driver Safety Education

The SCDOH through our Clean Communities Program has developed environmental education programs for our county schools relating to recycling, source reduction and littering/illegal dumping of solid waste.

The SCDOH through our Public Health Laboratory Services Program is already working towards goal 1b. above.

The SCDOH with the development of our Hazardous Substance Control Program shall provide technical assistance to our municipal police and fire companies during releases of toxic substances. The SCDOH currently has staff to answer questions from the public relating to the environment thereby also providing technical assistance.

The SCDOH maintains a diverse filing system of monitoring and inspection reports, which are open to public review in accordance with the Freedom of Information Act. The SCDOH to develop a web page which will provide information and education on the environment, access to files and records, and a comment area to request data, to review copies of inspections reports or to register complaints.

- 5). Program implementation
The SCDOH realizes the development of the Technical Resource Center Program is a monumental task. The SCDOH shall seek assistance from the NJDEP OLEM, both financially and professionally. The SCDOH shall in the coming years divide the program into manageable units and build the foundation to enable the successful completion within thirty-six (36) months.

VI. Enforcement Procedures

Pursuant to the County Environmental Health Act N.J.S.A 26:3A2-21 et seq. and the Chapter on County Environmental Health Standards of Administrative Procedure and Performance, N.J.A.C. 7:1H-1 et seq., the SCDOH shall take necessary enforcement actions as provided in the Environmental Rights Act, N.J.S.A 2A:35A-1 et seq., and the appropriate rules and regulations indicated for each program above.

A). Notice of Violation

Upon the identification of violation(s) of any environmental rule or regulation, the SCDOH shall document such violation, as necessary, to prove the violation beyond a reasonable doubt. The SCDOH shall issue a Notice of Violation (NOV) or a Notice of Violation/Offer of Settlement (NOVOS) and assess penalties in accordance with the applicable rule or regulation. The SCDOH shall forward a copy of the NOV/OS to the appropriate DEP field office for a five (5) day NJDEP review.

B). CEHA Case Number

The NOV/NOVOS shall be assigned a case number to allow tracking. The case number shall be as follows: CEHA# YY-MM-DD-TIME-TOWN, whereas the first two digits indicate the last two digits of the current year, the second two digits indicate the current month, the third two digits indicate the current day, the fourth four digits indicate approximate time of investigation and the last four digits indicate the municipality code.

C). Penalty Rationale

The SCDOH shall draft a penalty rationale for all cases with significant penalties or multiple violations.

D). Informal Conference

Any violator may request an informal conference to discuss the NOV/NOVOS. Such request shall be in writing, and received by the SCDOH prior to the compliance deadline indicated in the NOV/NOVOS. The Health Director or his designee shall preside over the informal conference. Dependant on the information supplied by the violator, corrective measures taken by the violator, conduct of the violator and any unforeseen circumstances, the Health Director may amend, rescind or maintain any penalty assessed.

E). County Counsel

The SCDOH shall utilize the Sussex County Counsel for prosecution of cases that are not resolved during an informal conference. The venue for judgement shall be the Sussex County Superior Court.

F). Settlement Agreement

The SCDOH shall draft a settlement agreement upon the completion of an informal conference. The Settlement Agreement shall instruct the violator of the responsibilities necessary to resolve the violation. If NOV or NOVOS and penalty is rescinded, a letter shall be drafted to violator indicating same.

G). Penalties

Any penalties assessed and collected by the SCDOH shall be deposited into the Sussex County Environmental Quality Enforcement Fund (E.Q.E.F.) pursuant to N.J.S.A. 26:3A2-35. Any violator may request to make partial payments towards the total penalty assessed. Payment schedule shall be specified in the settlement agreement.

H). E.Q.E.F. Funds

The SCDOH shall document that monies in the E.Q.E.F. shall be used specifically for C.E.H.A. activities or equipment purchases.

I). Sub-contractor Agencies

Only SCDOH is allowed to under take enforcement actions pursuant to the County Environmental Health Act, N.J.S.A. 26:3A2-21.

When a Subcontracting agency believes a violation of an applicable rule or regulation has occurred, the Sub-contracting Agency shall forward to the SCDOH a copy of the investigation report within two days of the investigation.

All violations referred to the SCDOH shall be reviewed for completeness. Should the SCDOH agree a violation has occurred, a NOV or NOVOS shall be generated and above procedures followed.

The Sub-contractor agency may request the SCDOH to have the investigating official present at the informal conference.

The SCDOH shall establish within the Sussex County Environmental Quality Enforcement Fund (E.Q.E.F.) separate line accounts for each of the Sub-contractor Agencies. All penalties collected in reference to a NOVOS shall be deposited into each agencies separate account within the E.Q.E.F.

The SCDOH shall retain an administrative action fee of 50% of the recovered penalty. This fee shall recover costs expended by the SCDOH for the following:

- 1). Review of investigation reports
- 2). Research Statutes and Administrative Codes to determine violation.
- 3). Drafting and issuance of NOV or NOVOS.
- 4). Holding informal conferences.
- 5). Drafting Settlement Agreements.
- 6). Maintaining E.Q.E.F. account.

Monies collected and deposited into the E.Q.E.F. on behalf of the Sub-contracting Agency are the monies of that agency. The Sub-contracting Agency may use these monies for any related C.E.H.A. activity or equipment purchase. The SCDOH must report to the DEP that monies are use in conformance with C.E.H.A. The Sub-contracting Agency shall make a written request for E.Q.E.F. funds to the SCDOH specifying the use or expenditure and how it relates to the C.E.H.A. program.